

**ALASKA STATE LEGISLATURE  
HOUSE EDUCATION STANDING COMMITTEE**

March 2, 2015  
8:02 a.m.

**MEMBERS PRESENT**

Representative Wes Keller, Chair  
Representative Jim Colver  
Representative Paul Seaton  
Representative Liz Vazquez  
Representative Harriet Drummond  
Representative Jonathan Kreiss-Tomkins

**MEMBERS ABSENT**

Representative Lora Reinbold, Vice Chair

**COMMITTEE CALENDAR**

HOUSE BILL NO. 97

"An Act relating to application requirements for the Alaska performance scholarship program."

- HEARD & HELD

HOUSE BILL NO. 98

"An Act relating to an exemption from jury duty for teachers; and amending Rule 15(1), Alaska Rules of Administration."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 97

SHORT TITLE: AK PERFORMANCE SCHOLARSHIP: FINANCIAL AID

SPONSOR(S): REPRESENTATIVE(S) COLVER

02/06/15	(H)	READ THE FIRST TIME - REFERRALS
02/06/15	(H)	EDC
03/02/15	(H)	EDC AT 8:00 AM CAPITOL 106

BILL: HB 98

SHORT TITLE: JURY DUTY EXEMPTION FOR TEACHERS

SPONSOR(S): REPRESENTATIVE(S) COLVER

02/06/15 (H) READ THE FIRST TIME - REFERRALS  
02/06/15 (H) EDC, JUD  
03/02/15 (H) EDC AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

DAVID SCOTT, Staff  
Representative Jim Colver  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Responded to questions on HB 97 on behalf of Representative Colver.

DIANE BARRANS, Executive Director  
Alaska Commission on Post-Secondary Education  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing on HB 97 provided information regarding the Alaska Performance Scholarship.

LES MORSE, Deputy Commissioner  
Office of the Commissioner  
Department of Education and Early Development  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing on HB 97 answered questions.

DAVID SCOTT, Staff  
Representative Colver  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 98 on behalf of Representative Colver, sponsor.

NANCY MEADE, General Council  
Alaska Court System  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing on HB 98 responded to questions.

DAVID NEES  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing on HB 98 testified in opposition.

BARBARA GERARD, Principal  
Academy Charter School

Palmer, Alaska

**POSITION STATEMENT:** During the hearing on HB 98 testified as to the impact of teachers attending jury service on her school.

KATHERINE GARDNER, Human Resources Director  
Matanuska-Susitna Borough School District (MSBSD)  
Palmer, Alaska

**POSITION STATEMENT:** During the hearing on HB 98 testified in support.

SEAN REILLY, Teacher  
Matanuska-Susitna Borough School District  
Palmer, Alaska

**POSITION STATEMENT:** During the hearing on HB 98 testified in support.

STACY MOLINA, Teacher  
Matanuska-Susitna Borough School District  
Palmer, Alaska

**POSITION STATEMENT:** During the hearing on HB 98 testified in support.

POSIE BOGGS, Literacy Volunteer  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing on HB 98 testified in support.

DAVID BOYLE  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing on HB 98 testified that the bill should include teachers in private schools.

#### **ACTION NARRATIVE**

[8:02:22 AM](#)

**CHAIR WES KELLER** called the House Education Standing Committee meeting to order at 8:02 a.m. Present at the call to order were Representatives Seaton, Vazquez, Colver, and Keller. Representative Drummond arrived as the meeting was in progress.

#### **HB 97-AK PERFORMANCE SCHOLARSHIP: FINANCIAL AID**

[8:02:51 AM](#)

REPRESENTATIVE COLVER, as sponsor, said HB 97 prohibits the Department of Education and Early Development (EED) from

requiring an applicant for the Alaska Performance Scholarship (APS) to also submit the Free Application for Federal Student Aid (FAFSA). The APS rewards Alaska high school students for their hard work, he stated, which is measured by coursework, grade point average, and ACT, SAT, or WorkKeys test scores. The FAFSA is used to determine a student's eligibility for federal financial aid based on the family's financial situation, he explained. He said that [HB 97] was introduced because there is no compelling state interest in gathering personal financial data to award a merit-based scholarship.

[8:04:42 AM](#)

REPRESENTATIVE COLVER pointed out that this bill serves to reduce paperwork as well as protect privacy. He noted that parents in his district, who were not seeking financial aid, could not understand why they had to fill out the FAFSA. He suggested that EED "describe what their mission is in requiring that, because it sure came with a lot freight-huge fiscal notes on retooling data." He said he believed that the APS was a simple program based on merit and not a data-mining operation, but he may be mistaken. It may be difficult to move this bill because of the financial cost, but he said that going through this process may lead to streamlining education funding, so it can go into the classroom instead paying for data management.

[8:07:30 AM](#)

REPRESENTATIVE SEATON recalled that the APS is not just a cash grant, but a student must apply for all other money and then the APS would fill in over a maximum of six years. If that is the case, "are we now saying that it wouldn't be a last dollar scholarship?" The scholarship would then be available regardless of whether the student had expenses to cover or not, he surmised.

[8:08:48 AM](#)

DAVID SCOTT, Staff, Representative Jim Colver, Alaska State Legislature, said that the Commission on Post-Secondary Education can answer that; however, it is his understanding that the scholarship is based on merit: grades and test scores.

[8:09:51 AM](#)

REPRESENTATIVE VAZQUEZ asked about the application for the APS.

REPRESENTATIVE COLVER said he will provide a copy.

[8:10:37 AM](#)

MR. SCOTT said that the APS is created and administered by Alaskans, and he does not think the FAFSA should be required to award a merit-based scholarship that is created by Alaskans. The constitution provides a right to privacy, "and that is something we all love and we all cherish." He said there is private financial information in the FAFSA that is not necessary in order to award a merit-based scholarship.

[8:12:16 AM](#)

DIANE BARRANS, Executive Director, Alaska Commission on Post-Secondary Education, said she understands the sponsor's concern about the apparent disconnect between a merit-based scholarship and the need to use FAFSA as part of the qualifying information; however, Representative Seaton is correct in that there was no intent for the scholarship to be "walking-around money." The cost of the student's education and other available financial assistance were to be used to determine, to the extent that the student qualified for the scholarship, how much a student could receive. If a student's unmet costs were less than the scholarship amount, the student would only be awarded the unmet costs.

[8:13:32 AM](#)

REPRESENTATIVE KREISS-TOMKINS asked if the APS is a hybrid of a need-based and merit-based scholarship.

MS. BARRANS said the term "need-based" usually denotes a financial need demonstrated by a given family, but all scholarships are forms of financial aid.

[8:14:30 AM](#)

REPRESENTATIVE SEATON questioned if passing HB 97 would create a cash benefit to students whether they attend college or not. He asked the question if the APS is merely a reward or if it is a scholarship to go toward qualified institutions. The "last-dollar" concept was incorporated into the original bill, and he asked what HB 97 will do regarding the financial liability of the state to provide money to students.

MS. BARRANS said that she does not see that aspect of the program changing. She noted that FAFSA is a universal financial aid application, and about 85 percent of students use it. The FAFSA allows the state to ensure that students apply for any sort of aid that was available to them. The intent was to spend the APS funds as efficiently and effectively as possible, and it was not intended to be money that could be spent on anything other than attending a post-secondary institution, she explained. The commission is the grant administering agency for the state, so it already receives FAFSA information. She said that without requiring students to complete yet another form, the FAFSA is an efficient means of standing up the program and getting information on students before even knowing whether they are eligible for the APS. The institutions do not learn which students are eligible for the APS until late July, so the commission would have very little time to reach out to the eligible students, make an application available, and make sure they get it in in time for the funds to be dispersed to the schools.

MS. BARRANS said that using FAFSA not only accomplishes the statutory goals of having the students apply for other aid, but the form, itself, indicates that the application is for Alaska's grant and scholarships programs. It is also a means to get student addresses, she noted. The process would have to be replicated and students would need to be reeducated that the application could not be used for the APS, and, in fact, Section 2 of HB 97 actually nullifies any application. If the bill passes, there would be no application process, whatsoever, and one would need to be created through the regulatory process, which may take until 2016 or 2017.

[8:20:12 AM](#)

REPRESENTATIVE VAZQUEZ asked what bill created the APS and whether committee members could get a copy, including "what you perceive to be the legislative intent."

MS. BARRANS offered to ask the Legislative Information Office for legislative information. She suggested reading the statute, as well.

[8:21:27 AM](#)

REPRESENTATIVE VAZQUEZ asked whether Ms. Barrans is saying that the APS is a scholarship of last resort.

MS. BARRANS said, no. The Alaska Education Grant would be a grant of last resort; however, most of the APS students do not qualify for it, so if the only other source of financial aid a student has is the APS, "you could certainly use that term."

CHAIR KELLER said there will be time to look at that history and noted that it was part of the governor's bill. He sees this bill as a way to discuss the legislature's intent.

[8:22:49 AM](#)

REPRESENTATIVE COLVER said the APS was endowed at \$400 million, and he asked what revenue was "spinning off every year."

MS. BARRANS said that the Higher Education Investment Fund was established a year after the APS program was created, and the legislature set aside \$400 million. She said she thinks it has a 6 to 7 percent return. It is managed as a subset of the general fund, and in June, 2014, there was \$444 million in the fund. The fund is a source for both the Alaska Performance Scholarship and the Alaska Education Grant, she explained.

REPRESENTATIVE COLVER asked how much has been awarded and the amount needed to administer the programs.

[8:24:17 AM](#)

MS. BARRANS said the administrative costs are not paid with those funds. The Alaska Student Loan Corporation pays, she explained, and the fund has been "stepped up" each year, as additional classes graduate. In FY15, the amount for scholarships was about \$11 million, and there was about \$8 million for grants. She offered to provide the accumulated total spent to date.

REPRESENTATIVE COLVER indicated that the fund has \$19 million in outflow and "we've gained \$44 million in the fund." He asked how the commission pays for the administrative costs.

MS. BARRANS said the Alaska Student Loan Corporation pays for the operating costs of the commission—not the GF [general fund].

REPRESENTATIVE COLVER asked about the [fiscal note] of retooling the application evaluation, which is \$144.2 million this year and then \$91.7 million annually.

MS. BARRANS corrected him, saying it is thousands, not millions.

REPRESENTATIVE COLVER asked, "This would have nothing to do with general fund budgets ... it could be funded out of revenues from the scholarship fund as a possibility, but now you're saying that this is going to come out of the budget of the Post-Secondary Education Commission?"

MS. BARRANS clarified that the costs have been paid by the Student Loan Corporation, but these new costs created by HB 97 would come from the Higher Education Investment Fund.

REPRESENTATIVE COLVER said it is, therefore, a covered cost for doing business to administer the loan fund. So, "we're not creating a budgetary issue; this is a fully funded, endowed program that's spinning off excess revenue." He asked if Alaska wants to use the federal form for financial aid, or "do we want Alaska to have our own form that merely identifies students' academic achievements?" As he understands, no money goes to the student but is distributed to the institution, he stated.

MS. BARRANS said the funds are dispensed through the institution, which are then released to the students if they do not have unpaid fees.

[8:29:01 AM](#)

REPRESENTATIVE COLVER asked about the entire process.

MS. BARRANS said to qualify for the APS, a student must complete the rigorous high school curriculum, have a certain GPA, and score at minimum levels on one of the standardized tests. The determination for eligibility is made in a student's senior year, and the department has that information within its existing data collection. School districts provide eligibility information to the department by July 15, and the data is transmitted to the commission. The commission takes the eligibility information and matches it to the FAFSA data as to the student's current address. The students are notified through mail that they have qualified for the award and at what level. The students are encouraged to use an online portal where they can go in and register and monitor the status of their state financial aid. The scholarship is available to complete the cost of education that is not offered through other grants or other scholarships. The APS can replace the amount that the family would be expected to pay, so it is available before a student needs to take out a loan.

[8:33:03 AM](#)

REPRESENTATIVE SEATON surmised that if a student was not required to apply to the FAFSA for Pell grants or other federal aid, it may cause more funding to be drawn from the APS. "Is that why the FAFSA is required?"

MS. BARRANS said yes, that is the objective. The students should maximize the attainment of available money, including Pell grants and state grants, in addition to the APS.

[8:34:17 AM](#)

CHAIR KELLER asked if the Higher Education Investment Fund ever operates in excess, putting money back into the general fund.

MS. BARRANS noted that the Department of Revenue manages that fund, and there is no mechanism for overflow money to the general fund. The fund has only been in existence for four years, and it is very unpredictable what future draws will be. There is a brief history with the APS. About 32 percent of each graduating class tends to be eligible, but the number of eligible students who use it fluctuates. If there is a jump up in its use, the financial demands will increase, and there needs to be more time to calculate average expenses, she said.

[8:36:13 AM](#)

REPRESENTATIVE DRUMMOND asked which institutions the APS can be used for.

MS. BARRANS said all University of Alaska campuses and six or seven others, which she offered to provide. The APS can only be used in Alaska.

[8:37:14 AM](#)

REPRESENTATIVE COLVER asked what triggers the request for the FAFSA application.

MS. BARRANS said the FAFSA information already comes to the commission as the state's grant administrating agency. It receives the information for any Alaska resident or anyone planning to attend an Alaska institution.

REPRESENTATIVE COLVER said, obviously, some students would not fill out the FAFSA so there would be a trigger when they

qualified for the APS. He asked what that data base "looks like."

MS. BARRANS said she does not know exactly, but a substantial majority of students have already completed that form before the commission receives the eligibility information. There is a campaign informing students that they need to file the FAFSA by the end of June. Because of funding availability, the deadline extends to December, so students can continue to apply.

8:39:58 AM

CHAIR KELLER said that he hopes the school districts are listening. Financial counselors at different schools have the responsibility to communicate this to the students, and, in Representative Colver's case, a Valley resident "just missed" the deadline. He noted that the students need to be informed.

MS. BARRANS said that, for the first time, the commission partnered with the University of Alaska to help identify students who fell into that category of being eligible but had not completed the FAFSA.

8:41:13 AM

REPRESENTATIVE SEATON noted that, under the regulations, there is a process for institutions that cannot receive federal funds, and he asked about those institutions.

MS. BARRANS said there are a few technical institutions that have not received accreditation.

8:42:07 AM

REPRESENTATIVE VAZQUEZ asked for information on legislative intent by March 23. "If you're correct on the legislative intent, I think it sheds a whole new light on this bill." She was under the impression that only the students' performance was looked at, and the APS would be based solely on that.

MS. BARRANS clarified that in terms of a student's eligibility, the APS is based solely on meeting the merit-based requirements. The question is to what extent does a student have unmet educational costs that can be covered. That is not determined by the FAFSA; the school's financial aid office determines what amount of unmet costs the student has, she stated. In most

cases, students have unmet costs, and it is very rare for the APS to be reduced.

[8:45:00 AM](#)

REPRESENTATIVE COLVER said there are two fiscal notes on the bill, and he asked to hear from the Department of Education.

[8:46:17 AM](#)

LES MORSE, Deputy Commissioner, Department of Education and Early Development, said that, regarding the fiscal notes, EED was looking at the most efficient means to collect information that FAFSA now provides. There may be a way to combine the two fiscal notes, but there needs to be more dialogue with the sponsors. He said the FAFSA collects student contact information that the department does not have, so that would be a new data collection system, along with the eligibility for students. "Every time we add an element to our data collection, it costs us approximately \$40,000 in programing," he said, and the new system would have about four different elements. The remaining costs in the fiscal note include the outreach and manuals. It would be a one-time cost, but there would still be some ongoing expenses experienced by the commission, he stated.

REPRESENTATIVE COLVER surmised that just the student addresses need to be added and transmitted to the commission.

MR. MORSE said the student contact information would be the new element to collect, and "we would pull the eligibility information from the July 15 report that all districts do for other reporting requirements ... so the APS information would all be collected together." All of the districts would have an additional report due in late May or June, he added.

REPRESENTATIVE COLVER asked if the FAFSA tracks student information through a student ID or a Social Security number.

MR. MORSE said he cannot not speak to the FAFSA "and all of its requirements," but EED only uses a student ID number.

REPRESENTATIVE COLVER said the FAFSA will use the Social Security numbers, and somewhere there is a linking factor between the department data base and the FAFSA data base.

[8:52:45 AM](#)

MR. MORSE said that the EED information can generally be matched based on gender, date of birth, and name.

[8:53:22 AM](#)

CHAIR KELLER announced that HB 97 would be held over.

**HB 98-JURY DUTY EXEMPTION FOR TEACHERS**

[8:53:54 AM](#)

REPRESENTATIVE COLVER said HB 98 exempts teachers from jury duty during the school year. He said he wants to keep teachers in the classroom and improve student learning. There have been cases where a class needs a long-term substitute, and both teachers are paid. It impacts the continuity of the learning plan, and it is difficult for a teacher to come back into the classroom after a long absence. Teachers will be evaluated based on student performance, so anything that impacts student learning reflects back on the teacher. Alaska should want our teachers to be teaching, and "we are all focused on student learning and results and I think we could get the best results by allowing teachers ... to opt out of a long jury trial," which could be made up in the summer season.

[8:56:19 AM](#)

DAVID SCOTT, Staff, to Representative Colver, Alaska State Legislature, He noted that there is a current exemption in law for teachers, but it only applies teachers in underperforming schools. He said Section 2 of HB 98 refers to the court rule amendment requirement, which is a two-thirds majority. The committee should consider the two competing constitutional provisions of the right to a jury and the policy for establishing schools, he explained.

[8:58:29 AM](#)

REPRESENTATIVE SEATON asked how many teachers this would impact.

[8:58:55 AM](#)

MR. SCOTT said he did not know, and he added that some legislators think HB 98 is too broad. One suggestion is an opt-out provision, should a teacher want to serve when called. Another option would be to have judges decide that teachers can be excused when faced with a potentially long trial, he said.

9:00:04 AM

CHAIR KELLER asked if judges already have that discretion and if there are other legislative exemptions for certain professions.

MR. SCOTT offered that in the early history of the state some may existed, and it gets to be a slippery slope of adding other exemptions, so the legislature decided to remove the exemptions. The exemptions for teachers started in 2004, and that is when the No Child Left Behind Act [was enacted], he said.

9:02:22 AM

REPRESENTATIVE VAZQUEZ said teachers have summer vacations. She has personally asked for a rescheduling of her jury duty so that it does not interfere her job, she explained.

CHAIR KELLER said he does not want to move the bill today. Every legislator needs to understand its constitutional ramifications.

9:03:36 AM

REPRESENTATIVE COLVER highlighted the zero fiscal note.

9:04:04 AM

NANCY MEADE, General Council, Alaska Court System, said the existing exemption allows teachers from low-performing schools to serve if they wish. Judges have the discretion to exempt or defer jurors who express a hardship, she clarified. The jury summons includes questions to determine a person's eligibility to serve, as well as an option to request serving at a later date. The courts are extremely lenient, she stated. She said she looked at the exemption rates for teachers from low-performing schools, but most courts do not require potential jurors to state a reason for a deferral. For the courts that require a reason, she found that teacher exemptions are not "terribly common." People are entitled to a jury of peers, and excluding a group changes the overall jury pool, especially in a small community. When one category or profession is exempt, it creates an increase in the jury burden on other citizens, she noted. Jury service can be inconvenient and the courts try to work with people, but by excluding one group, another group, such as fishermen, might express the same desire. She gave examples of small business owners and daycare providers. Finally, there used to be a number of exemptions in statute, including attorneys,

judges, priests, minister, teachers, doctors, dentists, and certain civil officers, and with the thought that the burden ought to be equally shared, those were repealed.

[9:08:34 AM](#)

REPRESENTATIVE SEATON said the jury pool would not be mandated to be smaller; it would be optional for teachers. How many teachers from low-performing schools actually serve during a school year?

MS. MEADE said she only has anecdotes, and teachers in some communities use the exemption, and others are pleased to be able to serve outside of the summer months. The court uses the PFD [Permanent Fund Dividend] application as its jury list, and then it is all randomized, she added

REPRESENTATIVE SEATON noted that the current law provides an exemption only from the school year, and the teacher would be in the pool for the summer months.

MS. MEADE said the exemption is just during the school term, so it really is a deferral until the summer.

[9:11:01 AM](#)

CHAIR KELLER opened public testimony. He commented that jury duty is a privilege and responsibility. Alaska has a common law system, and trial by jury is important. Voting can be inconvenient, he offered.

[9:12:13 AM](#)

DAVID NEES, said he opposed HB 98, and he noted an earlier conversation when five of the eleven teachers from the lower Yukon-Kuskokwim school district were called to jury duty. He said he is opposed to the bill, because Alaska is the only state that made an exemption in response to NCLB. About six states allow a deferral for primary teachers and for the primary caregiver, but most do not make a categorical exemption, he stated. He said he taught for 28 years, got called to jury duty only once, and the judge allowed him to defer service until the summer months. Teachers are important as role models, and if they do not serve because they are important, then a medical person may seem to not be important, he stated. He said he included testimony from 2004, and he asked what the next group

will be who claims to be important. If this is just about saving money, that is another argument, he concluded.

[9:14:54 AM](#)

BARBARA GERARD, Principal, Academy Charter School, said her responsibility is to ensure her students have the best instruction every single day of their school year. That means having good teachers who know their curriculum and how to teach it, and who are bonded with the students. It is an uphill battle when it comes to jury duty; last year 7 out of her 22 certified staff served on jury duty, and this year, 9 have served already. It is costly to pay for substitute teachers, it is unfair to the teachers who are accountable to their students' learning, and, most importantly, it is unfair to students. Students have only one year for each grade, and when the teachers are away, their opportunity to learn the material from a master teacher is gone, she stated. Please support HB 98 and keep our teachers in the classroom.

[9:16:54 AM](#)

REPRESENTATIVE SEATON asked if a deferral would be as effective as an exemption.

MS. GERARD said she supports any language that protects the school season.

[9:17:50 AM](#)

KATHERINE GARDNER, Human Resources Director, Matanuska-Susitna Borough School District, said she supports HB 98, and she noted that last year, the Matanuska-Susitna Borough School District had 1,412 hours with teachers out of the classroom, and, this year, it will be 976 hours specifically for jury duty. Highly effective teachers have the greatest impact on student learning, she said, and HB 98 will allow them to stay on staff. When teachers are gone for lengthy jury service, it really disrupts the learning environment, and that is her greatest concern, she stated.

CHAIR KELLER asked if any teachers want to keep the right to serve on a jury.

SEAN REILLY, Teacher, said he teaches seventh grade and supports HB 98, but he believes people should be judged by a jury of their peers. Teachers should serve jury duty; however, this law

would provide leniency for when they serve. Teachers have free time in the summer, and, by serving in that season, schools would not suffer the huge economic loss from paying substitute teachers. He stated that it is very difficult for a substitute to continue with curricula, and teachers are evaluated on how well students are advancing. He suggested that "postpone" could replace "exempt" in HB 98.

[9:24:54 AM](#)

STACY MOLINA, Teacher, said she supports HB 98 and she agrees with what has been said. She said she was summoned for jury duty in January and was very willing to serve and she shared her experience with her classroom. However, later in January she was impaneled to a jury that was scheduled to last into March, and she expressed concerns about being out of her classroom, and the court clerk assured her that she would be excused, but the judge made it very clear that she does not excuse teachers. The judge said there were ample substitutes in the district, and union contracts protected her paycheck. The judge would not listen to the academic impact that would fall upon her students, she stated. Ultimately, she said, she was excused from the duty because she had airplane tickets and travel plans. She noted that her professional evaluation would have been impacted by her absence.

[9:27:54 AM](#)

REPRESENTATIVE SEATON asked if she will ask for a deferral the next time she receives a jury notice.

MS. MOLINA answered yes, and she pointed out that teachers only have July to serve, because the beginning and end of the school year are detrimental times to serve. She said that she did not ask for a July deferral, because the court had said that very little is done in July, and the courts are hesitant to give deferrals at that time because everybody asks for the same period of time. She said that many trials are not held in July, because people like to go fishing then, including judges.

[9:29:28 AM](#)

CHAIR KELLER repeated his question about some teachers wanting to serve on a jury.

KATHERINE GARDNER said some teachers may choose not to take advantage of the deferral, because of their summer plans or

other reasons. The greatest concern is the lengthy trials, and she does not know if that can be written into the law.

[9:31:09 AM](#)

POSIE BOGGS, Literacy Volunteer, stated her support of HB 98, giving teachers the ability to postpone jury duty. Dr. Nancy Mather is a co-author of the Woodcock-Johnson [Diagnostic Reading] Battery, which diagnoses literacy in children, she said. Dr. Mather attributes low literacy to teachers not having enough time to teach reading. She stated that not every teacher is fantastic at teaching reading, but we have to make sure that our children receive many intensive hours in reading instruction, especially if they struggle.

[9:33:21 AM](#)

DAVID BOYLE, said HB 98 should also include those who teach in private and religious schools.

[9:34:40 AM](#)

REPRESENTATIVE KREISS-TOMKINS referred to Ms. Gerard's testimony and said it appears that the ratio was very high and disproportionate for teachers in the Academy Charter School.

MS. MEADE replied that jury service is random, and she has no explanation for that high proportion, but the larger the population base, the less often people are called for service.

REPRESENTATIVE KREISS-TOMKINS noted that since it is random, one might conclude that 45 percent of Palmer residents were also solicited to be on the jury.

MS. MEADE said 45 percent of the eligible residents in Palmer in a year seems high.

[9:36:31 AM](#)

REPRESENTATIVE SEATON noted that the current statute gives the wrong impression by using the term "exemption" and he would like to see it written as a deferral from the regular school year. He asked how the court would respond to that.

[9:37:25 AM](#)

MS. MEADE said the court would implement it as written as there is a statute allowing deferrals, and teachers could be added to that language. She noted that anyone can request a deferral for a hardship, and such requests are almost always accommodated, although one of the callers said otherwise. "I don't want to downplay the inconvenience that juries can cause to citizens. We try to minimize it, but we don't have that control," she said.

REPRESENTATIVE SEATON noted that his personal requests deferring jury duty outside of the legislative session have always been granted. "I presume that that allows the court to manage its jury pool better so maybe in the meantime or following up on the hearings we can get some feedback from you as if a deferral at the time of getting jury notice would be more effective in allowing the court to control its jury pool and people other than being

MS. MEADE asked whether he was suggesting that rather than random summons, have a list of people not to summons during a certain time period. She related it would be more difficult as it easier for the court to send out a summons and allow that citizen to respond with their request for a deferral.

[9:40:55 AM](#)

REPRESENTATIVE SEATON surmised that this bill is an exemption rather than when an individual is summoned but actually an individual appears for jury duty then the exemption would apply which appears it does not allow the court to plan far enough in advance as to who they are calling to jury duty.

MS. MEADE responded that when an individual receives a jury summons and questionnaire they have an opportunity to request an exemption for another date. She remarked the same is true for teachers and they may claim the exception during the school year, which is routinely granted.

REPRESENTATIVE SEATON surmised that at receipt of the summons, an individual can claim a deferral rather than at the time of trial if called during a school year.

MS. MEADE responded that the deferral is applied in the same manner for everyone and when teachers receive their summons they write on the list they would like to defer until June, and are routinely granted. She added that if individuals do not send their request to be deferred, they appear on the date required

and have an opportunity to advise the judge they would like to defer and offer a reason.

[9:44:04 AM](#)

REPRESENTATIVE VAZQUEZ questioned whether there is a distinction between exemption and deferral.

MS. MEADE replied that some people are permanently exempt if they have a certain disability, over 70 years of age, cannot speak or read English, and other rare reasons.

REPRESENTATIVE VAZQUEZ surmised that if the intent is to not have a permanent exemption but to have teachers serve during the summer months, the appropriate wording is deferral and not exemption.

REPRESENTATIVE VAZQUEZ replied that is the effect of how it is applied as it reads "exempt during the school year" which means to the jury clerks that they are put to another time. She described it as a semantic difference but the effect is the same.

REPRESENTATIVE VAZQUEZ pointed out that the exemption would be qualified to "during the school year," otherwise if the qualification was not included they would be totally exempt.

MS. MEADE answered in the affirmative, that the statute now reads "during the school term," and that is the phrase the court replies upon to defer.

[9:45:51 AM](#)

REPRESENTATIVE SEATON noted that the exemption appears to be a personal exemption and referred to testimony from school districts regarding the disruptions to schools with teachers being out. He asked whether the requirement that a teacher apply for the exemption be subject to collective bargaining requiring that all teachers exercise the exemption which would have a different impact on schools and the court.

CHAIR KELLER did not require Ms. Meade to respond and found it a good question to put on record.

[9:47:53 AM](#)

REPRESENTATIVE COLVER pointed out that according to Ms. Meade's testimony, the court would implement a mandatory exemption as if it were on automatic deferral to the non-school year. He commented regarding the question whether to change it to a referral versus a mandatory exemption would, in effect, be the same.

[9:49:03 AM](#)

MS. GERARD advised that the Academy Charter School has 9 out of her 22 staff members serving on juries this year of which 7 served penal jury duty, and 2 served grand jury which affected their classrooms.

REPRESENTATIVE VAZQUEZ asked whether they were all called to duty in state court.

MS. GERARD answered that 7 were in Palmer and 2 served in grand jury and believes it was all state court.

[9:50:09 AM](#)

REPRESENTATIVE SEATON questioned whether schools might negotiate this as a condition of employment that teachers would apply for the option to serve during the summer. He queried whether that could potentially solve the problem rather than individuals individually applying for exemption or deferral.

MS. GERARD asked whether he was asking whether the district would negotiate with the teachers union to add to a negotiated agreement.

REPRESENTATIVE SEATON replied yes.

MS. GERARD responded that it would be a large task since the district just completed their 3-year negotiated contract and she did not know the steps to go back and bargain. She said as a principal she is trying to protect the classroom and did not know how the union would look at it.

[9:52:34 AM](#)

CHAIR KELLER closed public testimony after ascertaining no one further wished to testify.

[9:52:57 AM](#)

REPRESENTATIVE DRUMMOND expressed concern in supporting the bill as worded "a person may claim exemption" language as the intent of the sponsor is to keep classrooms whole and keep teachers in their classrooms during the regular school year. She pointed out that the "may" language does not require any teacher to request the exemption and she is sure there are people who will not chose to use this exemption. She suggested speaking with the human resources directors of school districts due to all the questions regarding negotiated contracts. She opined that the bill should go to the House Judiciary Standing Committee and then come back to the House Education Standing Committee as many questions have been raised. However, she stated she supports the intent of HB 98.

[9:54:44 AM](#)

REPRESENTATIVE VAZQUEZ remarked that she supports the intent of this bill but wordsmithing should be involved and adding school district employees and charter schools working in the classroom.

[9:55:35 AM](#)

REPRESENTATIVE SEATON echoed support for the intent of the bill and suggested including uncertified teachers in private schools such as aides and other people in contact with students. He said he did not know how to draw that line as private and religious schools generally are not regulated.

[9:56:43 AM](#)

CHAIR KELLER added that the impact to children would be the same in either case.

[9:56:56 AM](#)

REPRESENTATIVE COLVER pointed out that obtaining a deferment from a lengthy trial during the school year was offered and he suggested looking at the tools available to keep teachers in the classroom.

[9:58:04 AM](#)

REPRESENTATIVE SEATON surmised that the problems identified have been people that haven't requested a deferment until and went into jury service and then said they have a hardship to the judge. He said he was not sure whether the problem is somewhat created by teachers not exercising the option of deferral.

CHAIR KELLER announced that HB 98 was held.

9:58:47 AM

**ADJOURNMENT**

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 9:58 a.m.